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**DIAMOND MCCARTHY LLP**

909 Fannin, Suite 1500  
Houston, Texas 77010  
Telephone (713) 333-5100  
Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800  
Email: adiamond@diamondmccarthy.com  
Eric D. Madden, TX State Bar No. 24013079  
Email: emadden@diamondmccarthy.com

Special Litigation Counsel for USACM Liquidating Trust

**LEWIS AND ROCA LLP**

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321

Susan M. Freeman, AZ State Bar No. 004199  
Email: sffreeman@lrlaw.com  
Rob Charles, NV State Bar No. 006593  
Email: rcharles@lrlaw.com

Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
  
Debtor.

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND,  
LLC,  
  
Debtor.

In re:  
USA SECURITIES, LLC,  
  
Debtor.

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case Nos.:  
BK-S-06-10725-LBR  
BK-S-06-10726-LBR  
BK-S-06-10727-LBR  
BK-S-06-10728-LBR  
BK-S-06-10729-LBR

JOINTLY ADMINISTERED  
Chapter 11 Cases

Judge Linda B. Riegle Presiding

**NOTICE OF FILING PROOFS OF  
SERVICE OF SUBPOENAS FOR  
RULE 2004 EXAMINATION**

NOTICE IS GIVEN that the USACM Liquidating Trust herewith files the:

**Proof of Service of Subpoena for Rule 2004 Examination  
on Mary P. Thomas (Assistant Vice President) for Stewart  
Title Company (Exhibit A Attached);**

**Proof of Service of Subpoena for Rule 2004 Examination  
on Michael M. Kaluger, Jr., Person Authorized to Accept  
for Orange Coast Title Company (Exhibit B Attached);**

**Proof of Service of Subpoena for Rule 2004 Examination  
on Laurie Grushen (Vice-President), Authorized to  
Accept for First American Title Insurance Company  
(Exhibit C Attached);**

**Proof of Service of Subpoena for Rule 2004 Examination  
on Marcie Abendroth, Authorized to Accept Service for  
Registered Agent for Amerititle, Inc. (Exhibit D  
Attached); and**

**Proof of Service of Subpoena for Rule 2004 Examination  
on Dawn Schulz, Process Specialist Authorized to Accept  
for Registered Agent for Chicago Title Insurance  
Company (Exhibit E Attached);**

DATED: June 12, 2007

**DIAMOND MCCARTHY LLP**

**LEWIS AND ROCA LLP**

By: /s/ Eric D. Madden  
Allan B. Diamond, TX 05801800 (pro hac vice)  
William T. Reid, IV, TX 00788817 (pro hac vice)  
Eric D. Madden, TX 24013079 (pro hac vice)  
909 Fannin, Suite 1500  
Houston, Texas 77010  
(713) 333-5100 (telephone)  
(713) 333-5199 (facsimile)

By: /s/ Rob Charles  
Susan M. Freeman, AZ 4199 (pro hac vice)  
Rob Charles, NV 6593  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169-5996  
(702) 949-8320 (telephone)  
(702) 949-8321 (facsimile)

*Special Litigation Counsel for  
USACM Liquidating Trust*

*Counsel for USACM Liquidating Trust*

## PROOF OF SERVICE

DATE:

6/6/07

PLACE:

1980 Post Oak Blvd., suite 800  
Houston, TX 77056

SERVED:

SERVED ON (PRINT NAME)

Stewart Title Co. in care of Mary P. Thomas

MANNER OF SERVICE

Personal Service

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

6/6/07

Date

Signature of Server

*Mary P. Thomas* sch: 2529

*X Mary P. Thomas (Asst V.P.)*

Address of Server

**MACH 5 Couriers, Inc.**  
1201 Louisiana, Suite 210  
Houston, TX 77002

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order by the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any persons who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance.

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or,

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or  
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) DIAMOND MCCARTHY TAYLOR FINLEY & LEE LLP 1201 ELM ST., 34TH FLOOR DALLAS, TX 75270		TELEPHONE NO. (214) 389-5300	FOR COURT USE ONLY	
ATTORNEY FOR (NAME) Insert name of court, judicial district or branch court. UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA		Ref. No. or File No. OSP12850-01		
SHORT TITLE OF CASE USA COMMERCIAL MORTGAGE				
PROOF OF SERVICE		DATE: 07/13/07		

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the (specify documents):  
SUBPOENA FOR RULE 2004 EXAMINATION
2. a. Party Served: (specify name of party as shown on the documents served):  
ORANGE COAST TITLE COMPANY
- b. Person Served: MICHAEL M. KALUGER, JR.  
PERSON AUTHORIZED TO ACCEPT SERVICE OF PROCESS
- c. Address: 640 N. TUSTIN AVENUE, SUITE 106  
SANTA ANA, CA 92705 (Business)
3. I served the party named in item 2
  - a. By personally delivering the copies.
    - (1) on: (date): June 6, 2007
    - (2) at: (time): 03:35 pm

Witness fees and mileage both ways were paid. Amount: 55.00

5. Person serving (name, address, and telephone No.): Arturo Chayra, Jr. a. Fee for service: \$ 165.00 [CCP 1033.5(a)(4)(B)]



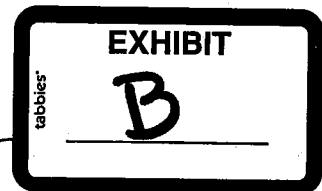
Arturo Chayra, Jr.  
888 West Santa Ana Boulevard, Suite 170  
Santa Ana, CA 92701  
Phone: (714) 558-7901 or (323) 873-4909  
Registration No.: 67

- (1) Employee or Independent contractor.
- (2) Registration No.: 3587
- (3) County: Los Angeles

6. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 7, 2007

(SIGNATURE)



ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) DIAMOND MCCARTHY TAYLOR FINLEY & LEE LLP 1201 ELM ST., 34TH FLOOR DALLAS, TX 75270		TELEPHONE NO. (214) 389-5300		FOR COURT USE ONLY	
ATTORNEY FOR (NAME)		Rel. No. or File No. OSP12851-01			
Insert name of court, judicial district or branch court. UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA					
SHORT TITLE OF CASE USA COMMERCIAL MORTGAGE					
PROOF OF SERVICE	DATE: 07/13/07	TIME: 10:00 am	DEPT/DIV:	CASE NUMBER: BKS0610725LBR	

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the (specify documents):  
SUBPOENA FOR RULE 2004 EXAMINATION
  2. a. Party Served: (specify name of party as shown on the documents served):  
FIRST AMERICAN TITLE INSURANCE COMPANY
  - b. Person Served: LAURIE GRUSHEN, VICE-PRESIDENT  
PERSON AUTHORIZED TO ACCEPT SERVICE OF PROCESS
  - c. Address: 1 FIRST AMERICAN WAY  
SANTA ANA, CA 92707
- (Business)
3. I served the party named in item 2
    - a. By personally delivering the copies.
      - (1) on: (date): June 6, 2007
      - (2) at: (time): 03:55 pm

Witness fees and mileage both ways were paid. Amount: 68.00

5. Person serving (name, address, and telephone No.): Arturo Chayra, Jr. a. Fee for service: \$ 178.00 [CCP 1033.5(a)(4)(B)]



Arturo Chayra, Jr.  
888 West Santa Ana Boulevard, Suite 170  
Santa Ana, CA 92701  
Phone: (714) 558-7901 or (323) 873-4909  
Registration No.: 67

- (1) Employee or Independent contractor.
- (2) Registration No.: 3587
- (3) County: Los Angeles

6. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 7, 2007

(SIGNATURE)



**AFFIDAVIT OF SERVICE**

UNITED STATES BANKRUPTCY COURT  
District of Oregon

Case Number: BK-S-06-10725-LBR

In Regard to:

USA COMMERCIAL MORTGAGE COMPANY, USA CAPITAL REALTY  
ADVISORS, LLC, USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC, USA CAPITAL FIRST TRUST DEED FUND, LLC and USA  
SECURITIES, LLC, Debtors

Received by MALSTROM'S PROCESS SERVING CO. to be served on Amertitle, Inc. c/o CT Corporation  
Systems, Registered Agent, 388 State Street, Suite 420, Salem, OR 97301.

I, Rebecca L. Lundin, being duly sworn, depose and say that on the 7th day of June, 2007 at 11:35 am, I:

SERVED the named corporation a **Subpoena and witness fee check for \$45.00** by personal service upon  
**Marcie Abendroth**, the clerk on duty in the office of the Registered Agent.

I am a competent person over 18 years of age and a resident of the State of Oregon; I am not a party to nor an  
officer, director or employee of, nor attorney for any party. The entity served by me is the same entity named in the  
action.

Subscribed and Sworn to before me on the 7th day of  
June, 2007 by the affiant who is personally known to  
me.

*Patricia L. Bustamante*  
NOTARY PUBLIC-OREGON

*Rebecca L. Lundin*  
Rebecca L. Lundin  
Process Server

MALSTROM'S PROCESS SERVING CO.  
167 High Street S.E.  
P.O. Box 2031  
Salem, OR 97308-2031  
(503) 585-0234  
Our Job Serial Number: 2007004504



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IN THE CIRCUIT COURT OF

Plaintiff(s)

Court No.: BK S 06 10725 LBR

VS.

Chicago Title Insurance Company

Defendant(s)

DAN CAIN **AFFIDAVIT OF SPECIAL PROCESS SERVER**  
being first duly sworn on oath, deposes and says that he/she was appointed by the court to serve process in the above mentioned cause and/or is a special appointed process server, a licensed private investigator, and/or an employee/agent of Excel Investigations, Department of Professional Regulation number 117-000898.

Type of Process: Subpoena

Defendant to be served: Chicago Title Insurance Company by and through its Registered Agent

SERVED/NON-SERVED the within named defendant on: 6/7/07 @ 9:00 AM/PM

ADDRESS WHERE ATTEMPTED OR SERVED: CT Corporation Systems 208 So LaSalle St, Suite 814  
Chicago, Illinois 60604

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS:  
Age 35 Gender M Race C Height 5'6 Weight 190 Hair BR Glasses N

INDIVIDUAL SERVICE by delivering to the within named defendant a copy of this process personally. The defendant confirmed that she/he resides at the above address.

SUBSTITUTE SERVICE by leaving a copy of this process at his/her usual place of abode with: \_\_\_\_\_  
(Relationship): \_\_\_\_\_, a person residing therein who is the age of 13 years or upwards confirmed the defendant resides at the above address and informed that person of the contents thereof and that further mailed a copy of this process in a sealed envelope with postage paid addressed to the defendant at his/her usual place of abode on \_\_\_\_\_

C CORPORATE OR GOVERNMENT SERVICE by leaving a copy of this process with Dawn Schulte  
(Title) PROCESS SPECIALIST, a person authorized to accept service and informed that person of the contents thereof.

POSTED

NON-SERVICE for the reason that after diligent investigation found \_\_\_\_\_

Additional Comments \_\_\_\_\_

I certify that I am a United States citizen, over the age of 18 and not a party to, nor otherwise interested in the above action.

Subscribed and sworn before me on this 8th day of June, 2007

[Signature]  
Signature of Process Server

OFFICIAL SEAL  
CATHY BLAYLOCK  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES 11/02/10



Job ID: 244141